

months, or shall be fined not exceeding five hundred dollars, or both, in the discretion of the court.

This section referred to in discussing admissibility in a criminal case of evidence obtained by tapping telephone wires. *Olmstead v. United States*, 277 U. S. 479, 72 L. Ed. 957.

### Thieves and Pickpockets.

An. Code, 1924, sec. 492. 1912, sec. 444. 1904, sec. 392. 1888, sec. 255. 1864, ch. 38. 1916, ch. 652, sec. 444.

**581.** It shall be the duty of all police officers and detectives in Baltimore City to arrest and take before some one of the station house justices in Baltimore City all persons whom they shall find in Baltimore City or upon any train, boat, car or other vehicle commonly used for the transportation of passengers which may be bound to or from Baltimore City whom they shall know or have good reason to believe are common thieves or pickpockets, and said police justices shall commit or bail such persons for trial before the Criminal Court of Baltimore; and if any person in Baltimore City shall be charged on oath before any station house justice in Baltimore City or before the judge of the Criminal Court of Baltimore with being a common thief or pickpocket, such justice or judge shall issue a warrant for the arrest of such person and commit or bail him for trial; and any person convicted in the Criminal Court of Baltimore of being a common thief or common pickpocket shall be fined not exceeding one thousand dollars or be imprisoned in jail or in the House of Correction or in the penitentiary for a period not exceeding five years, or be both fined and imprisoned within the limits above prescribed in the discretion of the court; but if any person is arrested or indicted a second time or more for such offense, he shall be convicted only on proof that he has continued to be a common thief or pickpocket since his last conviction or acquittal, and it shall be necessary to charge in the indictment only that the person is a common thief or common pickpocket, and any evidence, either of facts or reputation, proving that such person is habitually and by practice a thief or pickpocket, shall be sufficient for his conviction if satisfactorily establishing the fact to the court or jury by whom he is tried, and there shall be no discretion in any police officer or police justice to discharge or release any person who is by such proof before them or knowledge on their part shown to be a thief or pickpocket as aforesaid, but such person shall be bailed or committed for trial; and no conviction or charge of or for being a common thief or pickpocket shall prevent any such person from being tried and convicted for any particular act of larceny he may have committed.

To justify a conviction under this section, there must be proof either of fact or reputation sufficient to satisfy jury that traverser is by practice and habit a thief. The offense prohibited by this section is a misdemeanor and must be prosecuted within one year. The record of traverser's conviction of the larceny of a watch within a year before the prosecution was begun is a link in the chain tending to prove the issue; its legal effect is for jury. Evidence of reputation of accused commencing more than a year before indictment is admissible, but would not justify a conviction unless followed up by proof that such reputation was borne within a year before indictment. Character and reputation are synonymous terms. A conviction of the accused for winning a watch by a fraudulent trick at cards, held not evidence. This section strictly construed. *World v. State*, 50 Md. 54.

As to larceny, see sec. 387, *et seq.*

An. Code, 1924, sec. 493. 1912, sec. 445. 1904, sec. 393. 1888, sec. 256. 1864, ch. 38.

**582.** If any person shall be arrested at any place on the line of the Baltimore and Ohio railroad, or on the line of the Northern Central railroad, or on the line of the Philadelphia, Wilmington and Baltimore rail-